IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA COLUMBIA DIVISION

Anthony Dye,) C/A No. 3:07-0662-CMC-J	JRM
Plaintiff,)	
V.) OPINION AND ORDER	
Michael J. Astrue,)	
Commissioner of Social Security,)	
Defendant.)	
)	

Through this action, Plaintiff seeks judicial review of the final decision of the Commissioner of Social Security denying Plaintiff's claim for Supplemental Security Income ("SSI") benefits. Plaintiff appealed pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3). The matter is currently before the court for review of the Report and Recommendation ("Report") of Magistrate Judge Joseph R. McCrorey, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rules 73.02(B)(2)(a) and 83.VII.02, et seq., D.S.C.

This court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."") (quoting Fed. R. Civ. P. 72 advisory committee's note).

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The Report was filed on August 25, 2008, and recommends that the decision of the

Commissioner be reversed and the case be remanded to the Commissioner for further proceedings.

Specifically, the Report recommends that the Commissioner be directed to (1) consider all of

Plaintiff's impairments, (2) determine whether Plaintiff's impairments meet or equal one of the

Listings, and (3) properly consider the opinion of Plaintiff's treating physician (Dr. Taylor). No

objections have been filed and the time for doing so has expired.¹

After reviewing the record, the applicable law, and the findings and recommendations of the

Magistrate Judge, the court finds no clear error. Accordingly, the Report and Recommendation is

adopted and incorporated by reference. For the reasons set out therein, the final decision of the

Commissioner is **reversed and the case is remanded** to the Commissioner pursuant to Sentence

Four of 42 U.S.C. §§ 405(g) and 1383(c)(3) for further action consistent with the directions in the

Report and Recommendation as here incorporated.

IT IS SO ORDERED.

s/ Cameron McGowan Currie CAMERON MCGOWAN CURRIE UNITED STATES DISTRICT JUDGE

Columbia, South Carolina September 18, 2008

¹ On September 15, 2008, Defendant notified the court that it would not file objections to the Magistrate Judge's Report and Recommendation. Dkt. No. 37.